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August 7, 2024

**VIA ECF**

The Honorable Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: *Samuel Lopez v 139 Essex Street LLC, et al.*  
Case No. 1:24-cv-02397-KPF (the “**Action**”)  
Letter Motion Requesting Adjournment on Consent (this “**Request**”)

Your Honor:

This law firm represents defendant, 139 Essex Street LLC (“**139 Essex Street**”) in the above-referenced Action. As directed by Tala Doumani, Your Honor’s Law Clerk, I write to request that the initial pretrial conference originally scheduled for August 8, 2024, as adjourned by the Court to August 9, 2024, be adjourned by one week for a remote conference on August 15, 2024, or as soon thereafter as the court is available. The parties have negotiated a settlement understanding, in form, that we believe will resolve the case without further need for judicial resources. Moreover, I have a personal appointment that cannot be rescheduled on August 9, 2024 at 10:00 a.m. Further, to the extent that the Court is not available on August 15, 2024, I request that any subsequent adjournment be set for a remote appearance, as I will be traveling with my children from August 17, 2024 through September 2, 2024. Notwithstanding the foregoing, I will make myself available, if needed, to handle any necessitated appearance.

I apologize for the delay in filing the instant application. While co-counsel indicated her consent to the filing of a letter application, I was unable to obtain her consent with respect to the substance of this letter. After receiving the Pacer notification from the Court adjourning the conference to August 9, 2024, I thought it best to file this letter without the consent of co-counsel. Thank you in advance for the Court’s time and consideration of this Request.

Respectfully Submitted,



Cori A. Rosen



August 7, 2024

Honorable Katherine Polk Failla, U.S.D.J.

Cc: All Counsel of Record (via ECF)  
COURTESY COPY BY EMAIL ([Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)).

Application GRANTED in part. In light of Defendant's representation that the parties are close to settling the case without the need for court intervention, the initial pre-trial conference in this matter currently scheduled for August 9, 2024, is hereby ADJOURNED *sine die*. The parties are hereby ORDERED to file a letter updating the Court as to the status of settlement on or before **August 15, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket number 12.

Dated: August 8, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla", is positioned below the "SO ORDERED." text.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE